

REMARKS

Claims 1-10 and 45-63 currently remain in the application. Claims 1, 45 and 54 have been amended. Claims 1, 8-10, 54, 61 and 62 were rejected. Claims 45-53 were withdrawn from consideration. Claims 2-7 and 55-60 were objected to.

Double Patenting

The Examiner rejected Claims 1, 8-10, 54, 61 and 62 are rejected under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6, 586, 859. Applicants respectfully traverse.

All remaining claims, as amended, include the limitation “wherein the polymer includes an additive to improve the operating performance of the transducer.” Objected to dependent claims 2 and 7 and describe examples of improvements to the polymer by the additive. This limitation is not found in claim 1 of 6, 586, 859 and the use of additives is not described in 6, 586, 859. Therefore, for at least these reasons, the Applicants respectfully request the Examiner to withdraw the double patenting rejection.

Election/Restrictions

In regards to claims 45-53, claim 45 has been amended. The amended claims include an additional physical limitation, as recited in claim 45, “wherein the polymer has a maximum elastic area strain of at least about 10 percent.” Applicant believes this physical limitation does not create a different inventive entity as compared to claim 1 which includes the limitation “wherein the polymer has an elastic modulus at most about 100 MPa without electrical energy applied thereto.” Further, this physical limitation was not taught by the prior art previously cited by the Examiner, which described rigid materials. Thus, Applicant believes this amendment obviates the restriction requirement proposed by the Examiner.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read 'D. P. Olynick', written over the printed name.

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